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10/750,641	01/02/2004	Gilbert Baez	GB-1-gg	1608

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Michael I. Kroll
171 Stillwell Lane
Syosset, NY 11791

EXAMINER

DUNWIDDIE, MEGHAN K

ART UNIT	PAPER NUMBER
2875	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/750,641	BAEZ, GILBERT	
	Examiner	Art Unit	
	Meghan K. Dunwiddie	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is a Non-Final Rejection in response to the application filed January 2, 2004 by Baez.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- "the device **20**" (See page 21 paragraph [0051] in reference to Figures 2-6).
- "a flasher unit **80**" (See page 23 paragraph [0055] in reference to Figure 3).
- "the second clip hook **54**" (See page 23 paragraph [0057] in reference to Figure 7).
- "the clip hooks **40, 54**" (See page 24 paragraph [0059] in reference to Figure 9).

Although "clip hook **40**" is included in Figure 9, "clip hook **54**" is not included in Figure 9.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

- a repeat of the phrase “of an exemplary embodiment” (See page 14 paragraph 37).
- the description of “the strap **44**” (See last line page 22 paragraph [0053]).

The label should read “the strap **58**” because in this particular part of the specifications the applicant was describing “the second end **34**” and Figure 2 has the strap of the second end labeled as **58** not **44**.

Appropriate correction is required.

Claim Objections

3. Claim 14 is objected to because it includes reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-7, and 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by **Talamo et al.** (US 5,588,734).

In reference to Claim 1, **Talamo et al.** teaches:

- an elongated tube defining a passage therein and formed of a light-transmissive material; (See column 2 lines 41-43)
- elongated tube defines a front end and front aperture (See column 7 line 2)
- a plurality of side light elements supported within the passage and coupled to the battery power means; (See column 2 lines 43-45)
- attachment means for attaching the elongated tube to the frame (See column 2 lines 45-46)
- housing **12** further defines an interior cavity **19** within which a plurality of conventional batteries **60**, **61** and **62** together with appropriate connectors **63**, **64**, **65**, and **66** are supported. (See column 5 lines 48-51 in reference to Figure 4)
- a power unit having a housing defining an interior cavity (See column 2 lines 35-36)
- an on/off switch (See column 2 line 36)

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- activation of switch **13** applies electrical power via wire set **14** to lights **33** through **36** (See column 4 lines 8-9 in reference to Figures 2 and 4)

In reference to Claim 2, **Talamo et al.** teaches:

- utilizing a plurality of internally supported batteries (See column 3 lines 33-34)

In reference to Claim 3, **Talamo et al.** teaches:

- a pair of attachment clips **30** and **31** (See column 3 lines 43-44 in reference to Figure 1)
- clips **30** and **31** may be fabricated in a variety of shapes and configurations (See column 3 lines 46-47)

In reference to Claim 5, **Talamo et al.** teaches:

- an attachment strap (See column 6 line 54)
- attachment means for attaching said elongated tube to the frame (See column 6 lines 66-67)

In reference to Claim 6, **Talamo et al.** teaches:

- a support strap having a hook and loop fabric attachment (See column 1 lines 65-66)

In reference to Claim 7, **Talamo** et al. teaches:

- clips **30** and **31** may be fabricated in a variety of shapes and configurations (See column 3 lines 46-47)

In reference to Claim 10, **Talamo** et al. teaches:

- attaches light **10** to in-line skate **20** using strap **15** (See column 3 lines 66-67 in reference to Figures 1 and 2)

In reference to Claim 11, **Talamo** et al. teaches:

- a pair of hook and loop fastening portions **16** and **17** (See column 4 line 63 in reference to Figure 2)

In reference to Claim 12, **Talamo** et al. teaches:

- power circuit **70** may utilize a blinking circuit or interrupter circuit to provide periodic blinking of the various light elements within the present invention (See column 6 lines 12-14)

In reference to Claim 13, **Talamo** et al. teaches:

- Figure 4 shows the housing of the portable electric power source **11**, switch **13**, and attachment strap **15**

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- a power unit having a housing defining an interior cavity, a rear lens, and an on/off switch; an attachment strap for securing the housing (See column 2 lines 35-37)

In reference to Claim 14, **Talamo** et al. teaches:

- an elongated tube defining a passage therein and formed of a light-transmissive material; (See column 2 lines 41-43)
- elongated tube defines a front end and front aperture (See column 7 line 2)
- a plurality of side light elements supported within the passage and coupled to the battery power means; (See column 2 lines 43-45)
- and attachment means for attaching the elongated tube to the frame (See column 2 lines 45-46)
- housing **12** further defines an interior cavity **19** within which a plurality of conventional batteries **60**, **61** and **62** together with appropriate connectors **63**, **64**, **65**, and **66** are supported. (See column 5 lines 48-51 in reference to Figure 4)
- a power unit having a housing defining an interior cavity (See column 2 lines 35-36)
- an on/off switch (See column 2 line 36)
- activation of switch **13** applies electrical power via wire set **14** to lights **33** through **36** (See column 4 lines 8-9 in reference to Figures 2 and 4)

In reference to Claim 15, **Talamo** et al. teaches:

- a pair of attachment clips **30** and **31** (See column 3 lines 43-44 in reference to Figure 1)
- clips **30** and **31** may be fabricated in a variety of shapes and configurations (See column 3 lines 46-47)

In reference to Claim 16, **Talamo** et al. teaches:

- clips **30** and **31** may be fabricated in a variety of shapes and configurations (See column 3 lines 46-47)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4, 8, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Talamo** et al. (US 5,588,734) in view of **Conti** et al. (US 2002/0126473).

Regarding claim 4, **Talamo** et al. teaches:

- a pair of attachment clips **30** and **31** (See column 3 lines 43-44 in reference to Figure 1)
- clips **30** and **31** may be fabricated in a variety of shapes and configurations (See column 3 lines 46-47)

Talamo et al. does not teach:

- the first end and second end attachment members each comprising a clip hook

Conti et al. teaches:

- line **22** has double locking snap connectors **30** secured to its opposite ends (See page 1 paragraph [0015] lines 22-23 in reference to Figure 2)

It would be obvious for one of ordinary skill in the art, at the time of the invention, to use the double locking snap connectors of **Conti et al.** as an additional means of attachment for the elongated light tube of **Talamo et al.**, such that the elongated light tube would be easily secured on a variety of objects typically associated with nighttime outdoor activities.

Regarding claim 8, **Talamo et al.** teaches:

- an elongated tube defining a passage therein and formed of a light-transmissive material; (See column 2 lines 41-43)
- elongated tube defines a front end and front aperture (See column 7 line 2)
- a plurality of side light elements supported within the passage and coupled to the battery power means; (See column 2 lines 43-45)
- attachment means for attaching the elongated tube to the frame (See column 2 lines 45-46)

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- housing **12** further defines an interior cavity **19** within which a plurality of conventional batteries **60**, **61** and **62** together with appropriate connectors **63**, **64**, **65**, and **66** are supported. (See column 5 lines 48-51 in reference to Figure 4)
- a power unit having a housing defining an interior cavity (See column 2 lines 35-36)
- an on/off switch (See column 2 line 36)
- activation of switch **13** applies electrical power via wire set **14** to lights **33** through **36** (See column 4 lines 8-9 in reference to Figures 2 and 4)

Talamo et al. does not teach:

- the first end attachment member is a clip hook

Conti et al. teaches:

- line 22 has double locking snap connections **30** secured to its opposite ends (See page 1 paragraph [0015] lines 22-23 in reference to Figure 2)

It would be obvious for one of ordinary skill in the art, at the time of the invention, to use the double locking snap connectors of **Conti et al.** as an additional means of attachment for the elongated light tube of **Talamo et al.**, such that the elongated light tube would be easily secured on a variety of objects typically associated with nighttime outdoor activities.

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Regarding claim 17, **Talamo et al.** teaches:

- an elongated tube defining a passage therein and formed of a light-transmissive material; (See column 2 lines 41-43)
- elongated tube defines a front end and front aperture (See column 7 line 2)
- a plurality of side light elements supported within the passage and coupled to the battery power means; (See column 2 lines 43-45)
- attachment means for attaching the elongated tube to the frame (See column 2 lines 45-46)
- housing **12** further defines an interior cavity **19** within which a plurality of conventional batteries **60**, **61** and **62** together with appropriate connectors **63**, **64**, **65**, and **66** are supported. (See column 5 lines 48-51 in reference to Figure 4)
- a power unit having a housing defining an interior cavity (See column 2 lines 35-36)
- an on/off switch (See column 2 line 36)
- activation of switch **13** applies electrical power via wire set **14** to lights **33** through **36** (See column 4 lines 8-9 in reference to Figures 2 and 4)
- power circuit **70** may utilize a blinking circuit or interrupter circuit to provide periodic blinking of the various light elements within the present invention (See column 6 lines 12-14)
- a pair of attachment clips **30** and **31** (See column 3 lines 43-44 in reference to Figure 1)

- clips **30** and **31** may be fabricated in a variety of shapes and configurations (See column 3 lines 46-47)
- line **22** has double locking snap connectors **30** secured to its opposite ends (See page 1 paragraph [0015] lines 22-23 in reference to Figure 2)
- a support strap having a hook and loop fabric attachment (See column 1 lines 65-66)

Talamo et al. does not teach:

- the first end and second end attachment members each comprising a clip hook

Conti et al. teaches:

- line **22** has double locking snap connectors **30** secured to its opposite ends (See page 1 paragraph [0015] lines 22-23 in reference to Figure 2)

It would be obvious for one of ordinary skill in the art, at the time of the invention, to use the double locking snap connectors of **Conti et al.** as an additional means of attachment for the elongated light tube of **Talamo et al.**, such that the elongated light tube would be easily secured on a variety of objects typically associated with nighttime outdoor activities.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Talamo et al.** (US 5,588,734) in view of **Simmons** (US 3,935,443).

Regarding claim 9, **Talamo** et al. teaches:

- a pair of attachment clips **30** and **31** (See column 3 lines 43-44 in reference to Figure 1)
- clips **30** and **31** may be fabricated in a variety of shapes and configurations (See column 3 lines 46-47)

Talamo et al. does not teach:

- the clip hook having a ring and the ring being hookable by the clip hook

Simmons teaches:

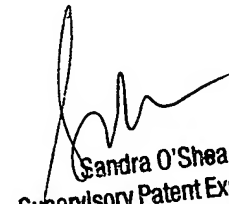
- the snap assembly **21** may be manually attached to the ring **4** (See column 2 lines 32-33 in reference to Figure 6)

It would be obvious for one of ordinary skill in the art, at the time of the invention, to use the ring from **Conti** et al. and the clip hook from **Talamo** et al. such that there would be the flexibility of attaching the clip hook to the ring as yet another means of attachment.

Conclusion

Any inquiry concerning this communication from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571) 272-8543. The examiner can normally be reached on Monday through Friday (8:00am-4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached at (571) 272-2378.



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800